



Presentation to the 2017 Health and Human Services

Joint Appropriation Subcommittee

CHILD AND FAMILY SERVICES DIVISION

Department of Public Health and Human Services (DPHHS)

Updated February 1, 2017

Section 1: Where are we now?

a. Mission:

The Mission of the Child and Family Services Division is “keeping children safe and families strong”. To accomplish this mission, the Division operates a child protection system that works 24 hours a day, 365 days a year. This system has seven key areas that must align and work to support children and families to achieve safety, permanency and well-being for children. These key areas are: Centralized Intake; Investigation/Assessment; Intervention; Resource Families; Workforce Excellence; Operational Excellence; and Child Welfare System Improvement.

b. Contact Information:

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c. Division Overview:

The primary goal of the Division is to keep children safe. The Child and Family Services Division (CFSD) staff focus on improving safety, permanency, and well-being outcomes for children and families in the child protective services system. The judicial system, community providers, and CFSD staff, collaborate to provide child protective services that support the strengths of families and increase each family’s ability to nurture and provide a safe and healthy environment for their children.

The Division’s core work is to make certain that every child grows up in a safe and nurturing family. All Montanans want children to maximize their potential, and abuse or neglect can keep children from reaching that potential. Children who have been abused and neglected have higher Adverse Childhood Experiences (ACEs) that contribute to long term poor outcomes as youth and adults. These outcomes may include a higher rate of suicide and suicide attempts, poor school/education outcomes, and poor overall health outcomes.

The Division is guided by the following principles:

- We serve unsafe children
- We use the least intrusive intervention
- We honor cultural diversity
- We believe that families have strengths
- We believe that families must be included in the planning
- We believe that families can change
- Children deserve a permanent home and we honor connections
- Building rapport with families and children is critical to quality outcomes
- Trauma to children is minimized by thoughtful case planning

Looking at the past biennium, the Division has experienced an increase in children in foster care. Over the past biennium, the safety, permanency and well-being of 3,454 Montana children depend upon receiving foster care services.

In addition to the children in foster care, CFSD currently provides adoption subsidies to 2,202 children to ensure that those children who were unable to safely return home from foster care have permanent adoptive homes. There are also 249 guardianship subsidies being provided to children who were unable to safely return home from foster care but were able to live in permanent homes with legal guardians.

The Division's work can best be understood by understanding the life of a case, and how the Division engages with children and families.

A call from a concerned person to Child Abuse and Neglect Hotline is the point of entry into the Division's work. Centralized Intake staff categorizes, prioritize, and refer the concern to the field office staff or jurisdiction in which it falls, such as Tribal or law enforcement. If it is determined that an investigation should be conducted, and is within jurisdiction of the Division, a report is sent to one of the 37 field offices located throughout the state. A Child Protection Specialist is assigned to conduct an investigation. The investigation can go two ways; If the results of the investigation determine a child is safe, the investigation is concluded and the case is closed. If the child is determined unsafe, several courses of action may follow.

The investigation/assessment results in two determinations including immediate or impending danger: 1) In-home services (child can safely remain in home with implementation of an in-home safety plan); or 2) Out-of-home care (child cannot safely remain in home and the case requires an out-of-home safety plan).

If immediate danger is identified, the Child Protection Specialist develops with the child's parents a voluntary in-home or out-of-home safety plan. An in-home safety plan can remain in place for sixty days, while an out-of-home safety plan can only be implemented for up to thirty days. Safety plans are used to help children remain in their homes with their family instead of immediately removing them from the home and seeking court involvement.

If the Child Protective Services worker determines immediate danger, and a family is unwilling to participate in a voluntary safety plan, a removal is necessary. Voluntary plans help engage the family when there is an immediate danger concern while allowing families to participate in the solution and identify supports to ensure child safety. During the course of safety planning with families, the Child Protective Specialist and the family may agree on solutions and implement them to address the safety concerns and allow the Department to end involvement with the family. Whenever the Department seeks a removal, it is completed by a Child Protective Service worker, and after consultation with their supervisor. Subsequent court approval to continue the child in foster care due to immediate danger, must also demonstrate that reasonable efforts, or active efforts in an Indian Child Welfare Act (ICWA) case, were made to prevent the removal.

Out-of-home placements exceeding 30 days require the Child Protection Specialist to provide the caregiver a Notification of Removal and seek District Court action. Once the District Court is involved, the role of a Child Protection Specialist is to ensure child safety, provide an affidavit to the Department's attorney, and a petition is filed with the District Court indicating the action and relief sought by the agency. A District Court Judge oversees the case and makes rulings based upon the evidence provided. The best interests of the child are represented by the Department as well as a Guardian ad Litem or Court Appointed Special Advocate (CASA). All parties to the case may be represented by counsel during the juvenile court proceedings.

Managing the cases of children in the state's care requires flexibility when working in various court jurisdictions. County Attorneys and District Court Judges often have different approaches to our cases across the state. CFSD employees must work within each court system to meet the courts expectations on a case-by-case basis. CFSD often has cases that fall under the jurisdiction of the federal Indian Child Welfare Act (ICWA); therefore, an Attorney for the child's Tribe and the Tribe's Social Services Department may also be a party to the case.

The District Court may determine that it is necessary for the Department to have Temporary Legal Custody of a child, the Child Protection Specialist must develop a treatment plan for the parents that addresses child safety concerns, which is reviewed and ordered by the Court. A treatment plan is used to help provide the parent the necessary services to assist in reunification of the child with the parent, to ensure safety of the child, and to resolve the safety issues which led to the Department's involvement.

Every child deserves a "forever home" that is safe and permanent; therefore, if a child cannot be safely reunified with the parents from whom the child was removed, CFSD staff work to identify another permanency option that is in the child's best interests. In an effort to maintain family connections, kinship care is prioritized. Children do best when raised in their own safe family systems. Montana is a national leader in kinship placements currently with 53% of our foster children living in a kinship care. CFSD staff conduct foster and adoptive home studies, which are background history's, and provide permanency support services, facilitate family engagement meetings, and help coordinate services to youth aging out of the foster care system in an effort to support and achieve permanency for all youth.

d. Major Functions

Child and Family Services Division has several key functions that work together to keep children safe and families strong. The key functions are the Centralized Intake; Investigation/Assessment; Intervention; Resource Families; Workforce Training; Operational Excellence; and Child Welfare System Improvement.

The staff of the Centralized Intake categorize, prioritize, and refer community information requiring an investigation to the field offices. Contact with the children and families served by CFSD begins with the child abuse and neglect hotline (866-820-5437), where all reports of suspected child abuse or neglect are received from around the state. This hotline is operated in the Helena Central Office, and is staffed 24 hours a day, 365 days a year. The diagram below shows the volume of calls received, the number of those calls requiring reports, the number of reports prioritized for investigation, and the number of children entering care as a result of those investigations in SFY 2016:

<u>Centralized Intake</u> <u>SFY 2016</u>	
Total All Calls Received	35,226
Total Reports Entered	18,702
Total Requiring Investigation	9,154
Total Entered Care	2,130

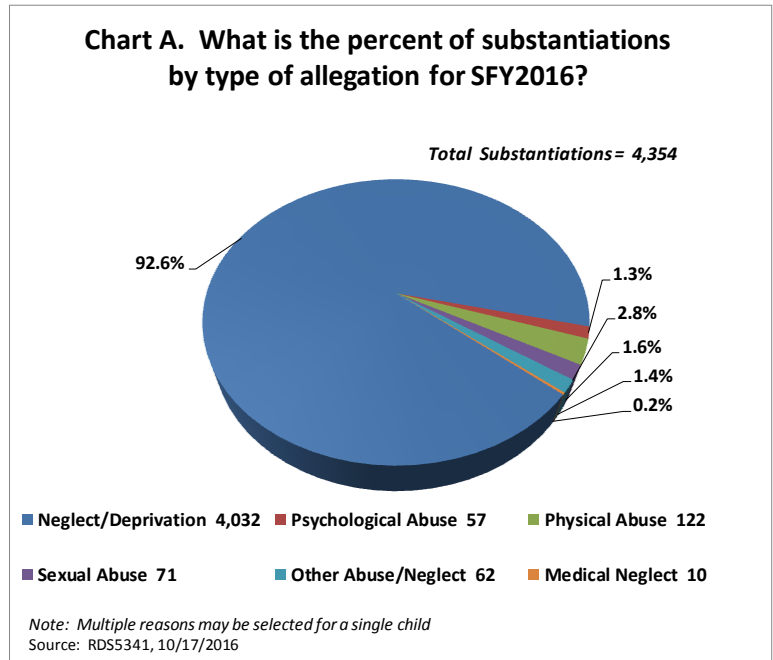
Note: approximately one-half of all reports require investigations. Some calls provide additional information that does not require an investigation. Calls may include information about a specific report that is already being investigated, may be requests for services, or are reports classified as information only.

Investigations may involve multiple children within the same family. In state fiscal year 2016 there were a total of 13,307 unduplicated children reported in the 9,154 cases referred for investigation.

**13,307 Unduplicated count
of Children reported in
SFY 2016**

During the investigation function, all Child Protection Specialists use a model for investigating reports and assessing the safety of children called the “Safety Assessment and Management System” (SAMS). The Family Functioning Assessment (FFA) includes a series of questions to determine immediate danger and impending danger. The FFA provides Child Protection Specialists with the needed information to determine child’s safety, meets the obligations and intent of State and Federal law, and follows best practice in child

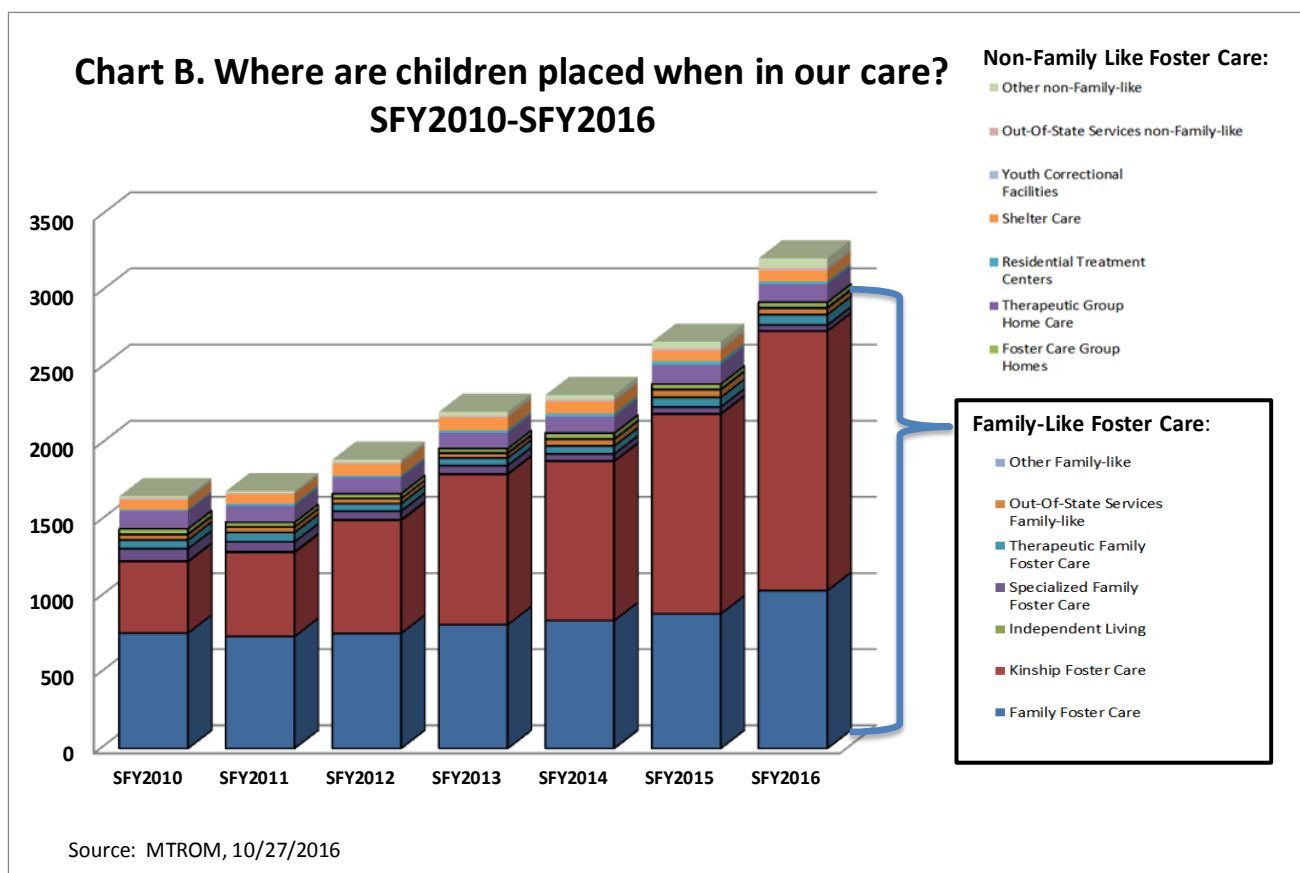
welfare. Chart A. shows that child neglect constitutes the most prevalent type of child maltreatment substantiated in Montana.



Moving into the intervention function, Child protective services include out-of-home safety services; such as, placing the child in a foster or kinship care home and reunification processes that identify those services needed to safely reunite the parents and child. The Division prioritizes the importance of maintaining family connections. Kinship placement options are given priority to assist the child in maintaining well-being, supporting culture and beliefs, and allow for children being placed with individuals they already know or with whom they have a relationship. Kinship placements also support the child’s experience when they need to adjust to a new family setting. Kinship families account for the largest growth of out of home placement options for children in the Divisions custody.

Moving into the Resource Family function, Kinship families may be licensed or unlicensed. An unlicensed kinship care home is always an approved home by the Division. Kinship substitute care includes settings where care provided by a member of the child’s extended family; a member of the child’s or family’s tribe; the child’s godparents or stepparents; or a person with whom the child’s parent and family ascribe a family relationship and have significant emotional ties prior to the agency’s involvement. A kinship family is not required to become licensed, but the family must be approved for placement following CFSD policies, which includes background checks for those in the home. A kinship foster home is a licensed foster home in which substitute care is provided to one to six youth other than the kinship parent’s own children, stepchildren, or other unrelated children and meets the definitions for substitute care. On June 30, 2016, unlicensed kinship families were providing out-of-home care to 404 children. Licensed kinship families were providing out-of-home care to 440 children.

Licensed and unlicensed kinship care for children in need of out of home placement now represents almost 53% of children placed in out of home care. If the child cannot be placed with an appropriate kinship family, the child will be placed with a foster family licensed by a CFSD Family Resource Specialist, either in a family-like setting or non-family like setting depending upon the needs of the child. At the end of SFY2016, 89.9% of children in care were in family-like settings, including kinship care, as shown in Chart B, while non-family like settings or some type of group care accounted for 10% of child placements.

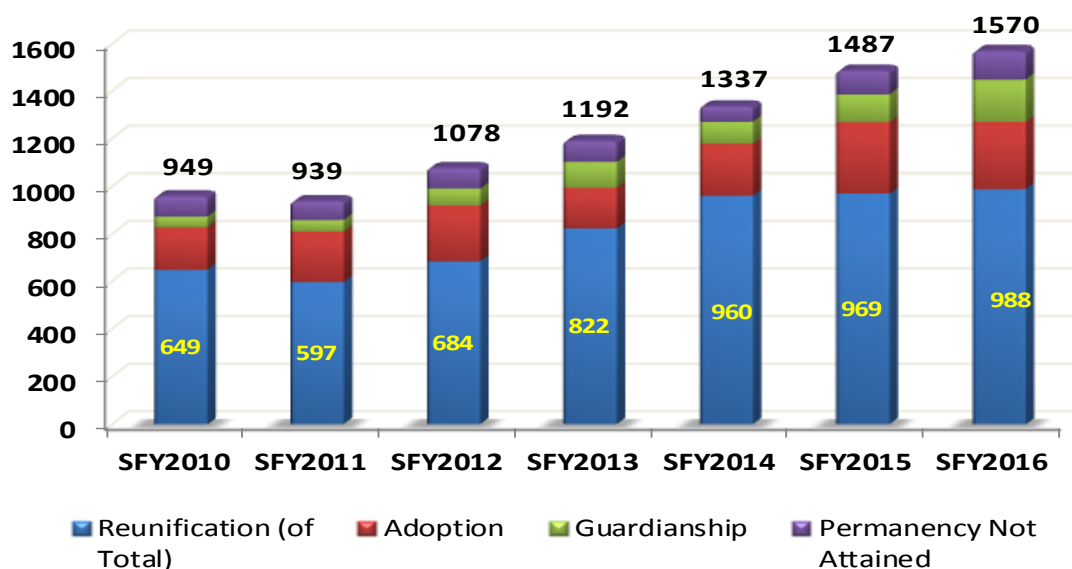


Upon the Department being granted Temporary Legal Custody by the court system, the Child Protection Specialist works with the child's parents to implement a court-ordered treatment plan designed to address and resolve the safety issues which led to Department involvement. Reunification with the parent from whom the child was removed is the first permanency goal identified for the child in a vast majority of cases. There are occasions where children are returned to their non-custodial parent if there are no safety issues. However, all CFSD services provided to children and families have, as their ultimate goal, assuring that the child has a safe, permanent, forever family and home. A permanency plan must be developed by the involved parties.

For most children who exit state custody, permanency occurs through reunification to the home from which the child was removed, a safe non-custodial parent, placement with other relatives,

guardianship or adoption. Other discharge reasons such as turning 18 years of age, being emancipated, transferring to another agency or running away do not meet federal “permanency” definitions. In SFY2016, a total of 1,570 children were discharged from state care, 988 of these children or 62.1% remained with family or other relatives (see Chart C).

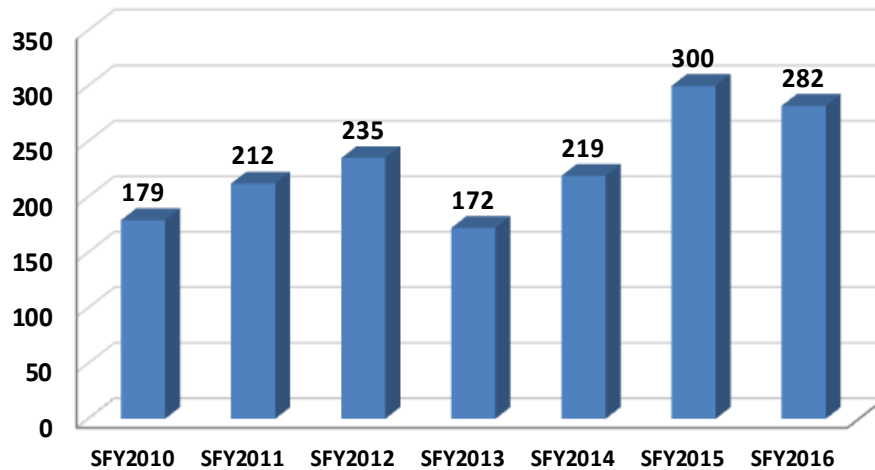
**Chart C. Where Do Children Go When Discharged from State Care?
SFY2010 - SFY2016**



Source: MTROM, 10/27/2016

Adoption represents one permanency option for children who are unable to safely return home, be placed with the non-custodial parent, or with other relatives. The choice of determining permanency through adoption occurs when the CFSD removed the child from their birth families because of child abuse or neglect and a District Court has determined that the child cannot be safely reunited with the birth parents. In these situations, the legal rights of the child’s parents have been terminated. When parental rights have been terminated either by court order or by parent’s voluntary consent, adoption becomes one of the permanency options. In SFY 2016, of the children achieving permanency, 17.7% or 282 children were placed with adoptive families (see Chart D on the following page).

**Chart D. How many adoptions are completed each year?
SFY2010 through SFY2016**



Source: MTROM, 10/27/2016

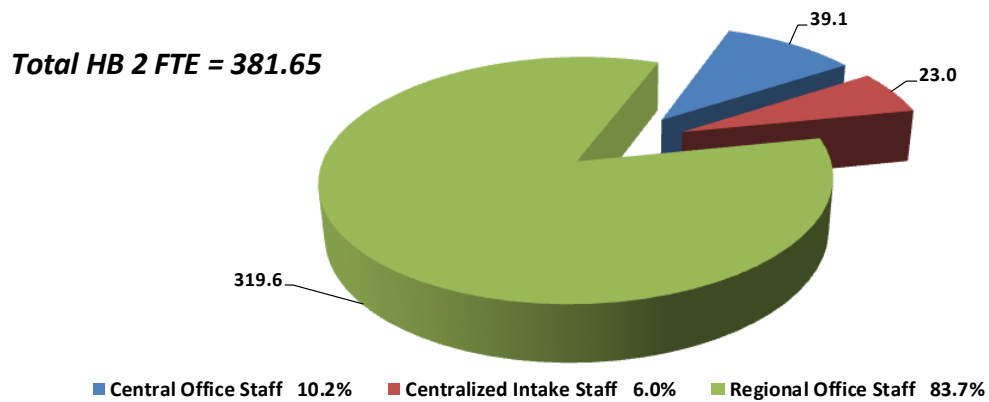
Guardianship represents another potential permanency goal for children who cannot be safely reunified with the birth parents. Often guardianships are used in situations where significant ties exist between the youth and the birth parent(s), and the guardians may also have a significant and ongoing relationship with the birth parent(s). Of the children who achieved permanency in SFY2016, 11.2% or 178 children were in a guardianship placement. In order for a placement to be eligible for either guardianship or adoption federal financial assistance, the caretaker must be licensed and have had the child in their care for a six continuous months prior to the guardianship to be legally finalized.

e. Workforce and Operational Excellence

To accomplish the mission of the Division, CFSD must achieve workforce and operational excellence. CFSD employees work in six regions statewide and the Central Office in Helena. Field services, support staff, and management and supervision are provided across the division.

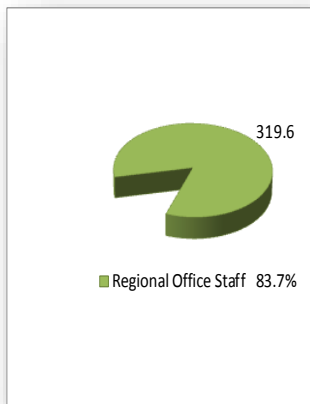
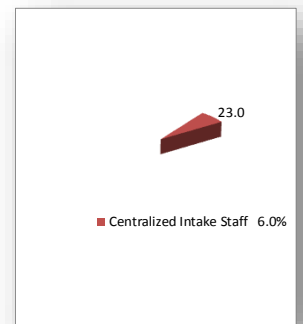
Staff and the collaborative nature of the work requires a significant level of communication externally and internally within the CFSD. The workforce consists of Centralized Intake staff, Central Office staff and Regional Office (field) staff, Chart E on the next page illustrates staff distribution.

**Chart E. What is the Total FTE Distribution - Central and Regional Offices?
Snapshot for July 2016**



Source: SABHRS, 8/10/2016

The Centralized Intake Team determines the urgency and validity of reports of abuse and neglect that are received by CFSD. This team works closely with the regional staff to dispatch regional field workers accordingly. This team is comprised of 23 FTE trained to assess and accurately categorize all incoming calls. The Centralized Intake team constitutes 6% of the CFSD workforce.

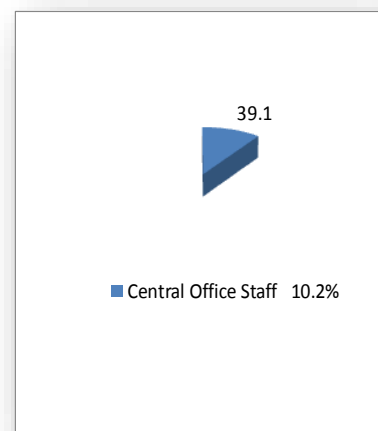


The Regional Field Services Team provides Family-Centered practice to strengthen families while ensuring safety of children. These staff have direct impact on safety, permanency, and well-being of children served by the Division, and are responsible for the daily implementation of investigative services and efforts to strengthen families and achieve permanency. Regional Field staff constitute nearly 84% of the CFSD workforce with approximately 319 FTE. Both Centralized Intake and Regional Field Services Teams are the “boots on the ground”, performing the major function of CFSD. Regional field staff are located in 37 offices across the state, serving every community and rural

area in Montana.

The Program Bureau, the Fiscal & Operations Bureau, the Division's Training unit, Research and Analysis, the Montana Family Safety Information System (MFSIS) project, the Complaints/Critical Incident Manager and the Division Administration work collaboratively to implement the major programmatic, operational, fiscal, and workforce development functions of CFSD.

The Program Bureau in the Central Office is responsible for managing program development and administration as well as division compliance with federal and state laws, rules, regulation and policy. The Bureau administers, manages, or implements major components of federal grant programs such as: Access and Visitation, Domestic Violence Prevention, Safe and Stable Families, Chafee Independent Foster Care Act, Child Abuse Prevention and Treatment Act (CAPTA), and the Children's Justice Act. The Program Bureau identifies and responds to necessary statutory changes or legislative issues for programs administered by CFSD. This Bureau is comprised of 18 staff that support the Regional and field offices.



The Fiscal and Operations Bureau staff in the Central Office is responsible for all agency financing and accounting activities and technology systems (CAPS) for CFSD. The bureau develops, manages, and monitors the CFSD budget and ensures all expenditures are appropriated accurately. They are responsible for safeguarding compliance with policy, grant contracts, and state and federal laws and regulations. The Title IV-E and Social Security Income units maximize the use and recovery of federal funds, and do so by determining eligibility, and monitoring compliance with Title IV-E of the Social Security Act. Other positions within this branch are mandated to oversee all payments to providers utilized by CFSD such as: foster care providers, subsidized adoptions, and guardianships. This bureau monitors and manages continuous quality improvement and works to ensure operational excellence.

In early 2016 CFSD formed the Training Unit to support basic work being done in the field and achieve workforce excellence within the Division. This is accomplished by improving retention and increasing job satisfaction while developing a highly skilled workforce that utilizes family-centered and evidenced based child welfare practice. Additional functions are the development, implementation and evaluation of continuing education for staff along with collection and analysis of data relative to training. The Montana Family Safety Information System (MFSIS) team is managing the development of the new case management system, a project that is central to supporting the work of the Division.

f. Current Budget/Expenditures:

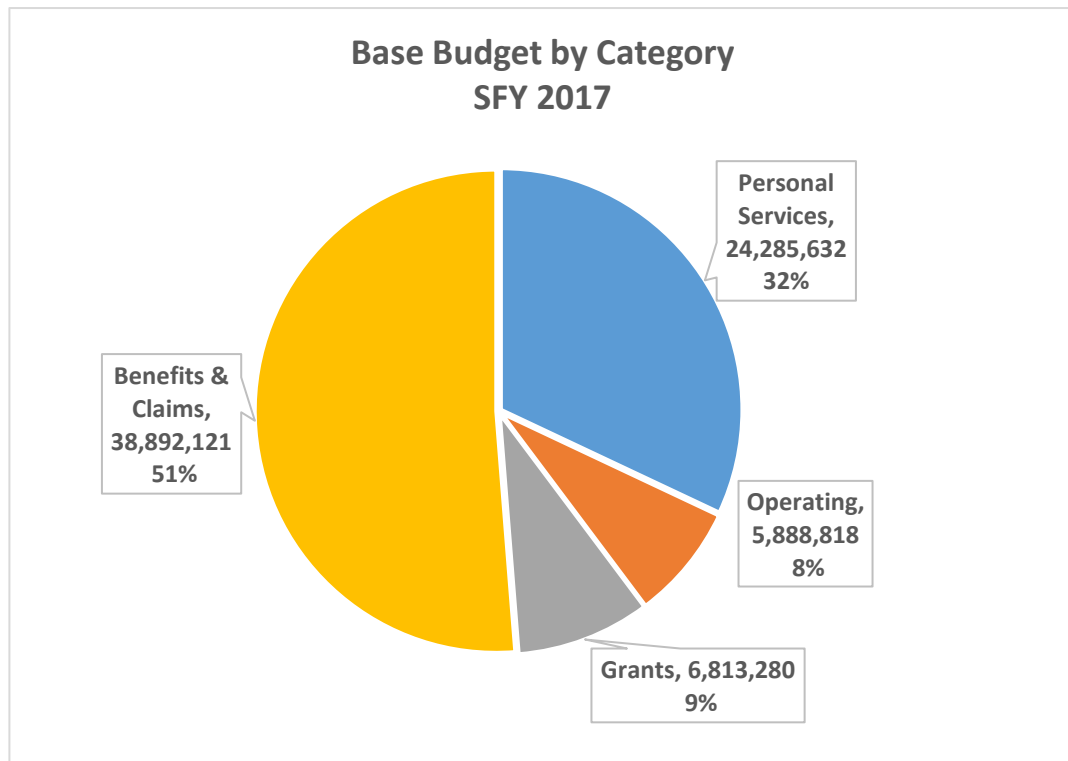
Safe Child Initiative:

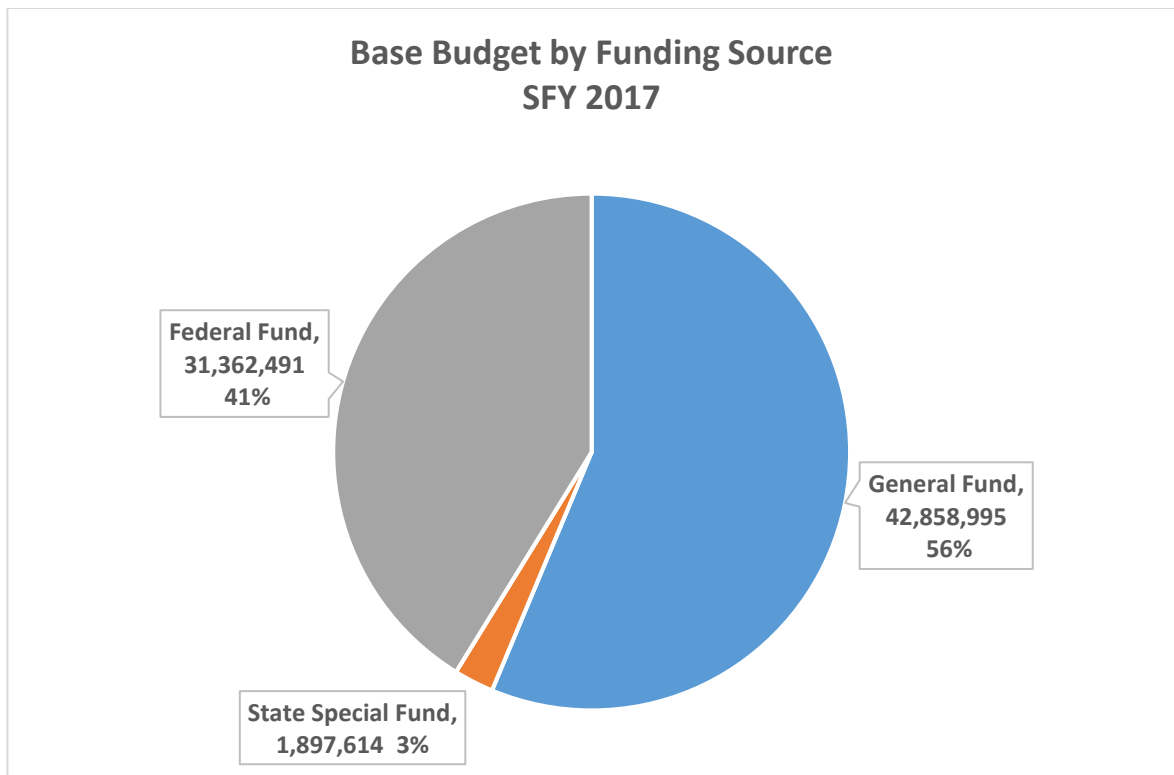
The 2015 Legislative Session provided the Child and Family Services Division with funding known as the Safe Child Initiative to strengthen the child protection system in Montana:

- Accreditation Assessment
- Electronic Case Management
- Expand Public Health Partnerships
- Family Preservation Services
- Maintain Staffing Levels

FUNDING AND FTE INFORMATION

		2017 Starting Point	FY 2018 Request	FY 2019 Request
CHILD AND FAMILY SERVICES DIVISION				
	FTE	381.65	381.65	381.65
	Personal Services	24,285,632	23,729,964	23,789,061
	Operating	5,888,818	5,900,872	5,908,631
	Grants	6,813,280	6,813,280	6,813,280
	Benefits & Claims	38,892,121	46,629,303	47,797,552
	Transfers	238,091	238,091	238,091
	Debt Service/Leases	1,158	1,158	1,158
		76,119,100	83,312,668	84,547,773
	General Fund	42,858,995	47,719,031	47,738,584
	State Special Fund	1,897,614	1,897,614	1,897,614
	Federal Fund	31,362,491	33,696,023	34,911,575
		76,119,100	83,312,668	84,547,773





Section 2: Where do we want to be in 2 years?

a. 2017 Biennium Goals and Objective

Department of Public Health and Human Services	
Child and Family Services Division	
Goals and Objectives for the 2017 Biennium	
Submitted October 2016	
Goal: Improve the safety, permanency, and well-being outcomes for children who are at risk of or have been a victim of child maltreatment.	
Objective	Measures
Safety: Safely maintain children in their homes whenever possible and appropriate.	<ul style="list-style-type: none"> The division determines whether efforts were made to provide and arrange appropriate services for families to maintain children safely in their homes through review and analysis.

Permanency: Establish and achieve permanency goals for children in a timely manner.	<ul style="list-style-type: none"> The division determines whether identified permanency goals were identified and achieved in a timely manner through review and analysis.
Well-being: While in foster care, maintain children's connections with birth parents and siblings to meet each child's physical and mental health needs.	<ul style="list-style-type: none"> The division determines whether children's connections with birth parents and siblings were maintained and whether the physical and mental health needs of children were met through review and analysis.

3. How are we going to get there?

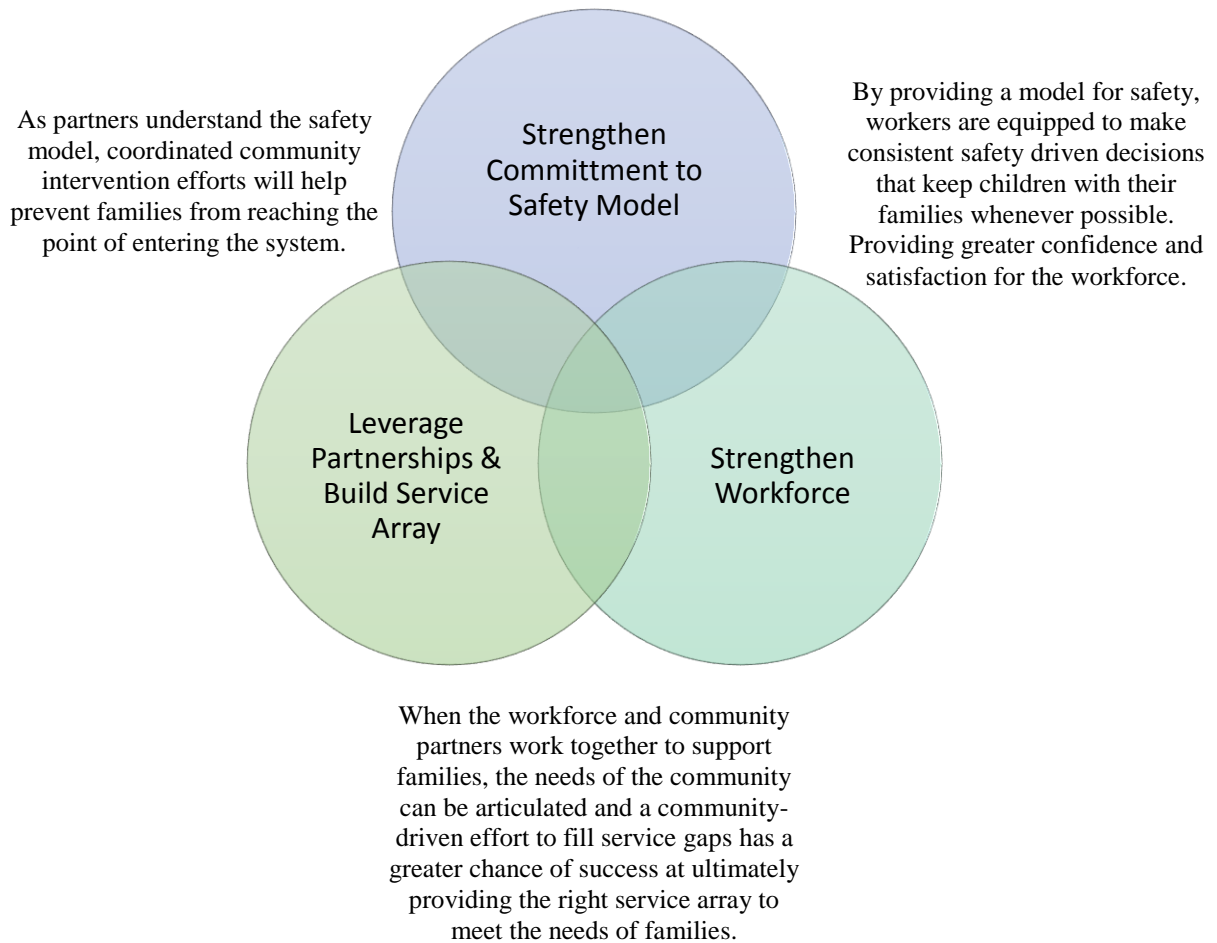
By Executive Order on September 21, 2015 Gov. Bullock created the Protect Montana Kids Commission (PMK), including a broad group of stakeholders. Their purpose was to develop a comprehensive set of recommendations aligning Montana's child protection system with national standards and best practices. The PMK reviewed the current status of the system, developed recommendations including statutory and structural changes, and enhancements to the child protection system. The PMK submitted a report to the Governor on May 31, 2016.

On July 1, 2016 the Governor directed DPHHS to implement recommendations contained from the PMK report. These changes included filling the vacant division administrator, strategic use of vacancy savings to fund modified positions, revisions to staff training including a new curriculum for supervisor training, the enhanced role of the Child and Family Services State Advisory Council, and the development of a set of initiatives for improvement. These initiatives are regularly tracked and reported in the *Montana Child and Family Services Strategic Initiatives* document. Six draft bills were drafted out of the recommendations and are discussed on pages 19 and 20.

CFSD has examined procedures, practices, and work flow, utilizing an Integrated Management System Model mapping process that aligns tasks with mission-based outcomes. The process identifies barriers to outcomes and reveals inefficiencies, while advancing opportunities to improve outcomes. The CFSD continues to look internally for system improvements.

Keeping children safe and family strong requires a strong commitment to Montana's child safety practice model, address workload and workforce issues, and assess and strengthen the service array available to children and families. These areas are interdependent and a prerequisite to achieving success for children and families. Success means our children are safe while we work to safely lower the number of children in foster care.

The Child and Family Services Division is committed to the safety, permanency, and wellbeing of Montana's children. To improve the child welfare system in the state, the division is focused on:



- Decrease the number of children in foster care
- Decrease the Montana child victim rate per 1,000
- Increase the absence of recurrence of maltreatment

Montana Safety Assessment and Management System (SAMS) is the first area of focus. Montana's safety model is a structured decision making model that focuses on child safety and the impact of immediate or impending danger from a child's parental caretaker. Once present or impending danger to the child is assessed, protective actions are taken to support child safety. If a child is placed in foster care, conditions for return are developed so the parent and the division are clear about what is needed to establish or re-establish an in home plan for the child. Increasing worker and supervisor skills in developing in-home safety plans and/or effective treatment plans is top priority in the coming year. Following Montana's practice model including clearly identified conditions for a child's return home and the expected outcomes to close cases is essential to mitigate child safety threats and enhance parental protective capacities.

Workload and workforce issues are a second area of focus for the Department over the next two years. It is imperative to define a caseload model in order to accurately quantify the work of the child welfare staff. An accurate caseload model will assist the Department in articulating where the strengths and struggles are within the child welfare workforce areas such as Child Protection workers, Permanency Workers, Central Intake staff and Family Resource Staff. This will require that we become a more data driven division. Moving toward an increased data driven culture will allow us to tell our story, monitor our successes, and focus on areas we can improve. Creating an environment where workers and supervisors can learn from struggles and celebrate successes will contribute to a greater sense of accomplishment, ownership in the work, and job satisfaction.

A third and final area of focus is in developing a greater interdependence on the Department's internal and external service providers and partners to increase the service array available to families. First, the division will complete an internal analysis of services that can be accessed through other partner agencies. Second, each regional manager will complete a needs and gaps assessment in order to identify services that are available in the community, both traditional and non-traditional, that can be accessed by children and families. Once services are identified, then work can be done collaboratively to fill the service gaps that are either not available or not funded by another partner. Savings identified by collaborating with our partner agencies will be reinvested in the community for safety specific services for children and families. Third, engaging the community in developing a local service array of both traditional and nontraditional providers, can have the beneficial effect of empowering local communities to be child safety focused and engaged in safety service planning for all children in their local communities regardless of their involvement with our Department.

These three focus areas interconnect and support one another. The Montana practice model cannot be effectively driven without an adequate trained, stable workforce that has the tools and community support to manage the work. A service array is needed so that services are readily available for parents to achieve their treatment plan goals, or plan accordingly for their children. Without identifying the drivers of abuse and neglect, and then collaboratively addressing those drivers with our partners, we cannot get in front of the work in a proactive manner. Ongoing

analysis and work will continue, to help evolve the division's story and bring clarity to the strengths, needs, and gaps of the division.

3a. Present Law Adjustments

SWPL – 1 – Personal Services -

The budget includes \$(555,668) in FY 2018 and \$(496,571) in FY 2019 to annualize various personal services costs including FY 2017 statewide pay plan adjustments and increases to state share costs for health insurance passed by the 2015 Legislature, benefit rate adjustments, longevity adjustments related to incumbents in each position at the time of the snapshot, and vacancy savings.

Fiscal Year	General Fund	State Special	Federal Funds	Total Request
FY 2018	(\$253,355)		(\$302,313)	(\$555,668)
FY 2019	(\$212,802)		(\$283,769)	(\$496,571)
Biennium Total	(\$466,157)	\$0	(\$586,082)	(\$1,052,239)

SWPL – 3 – Inflation Deflation -

This change package includes an increase of \$12,054 in FY 2018 and \$19,813 in FY 2019 to reflect budgetary changes generated from the application of inflation and deflation factors to specific expenditure accounts. Affected accounts include food, postage, natural gas, electricity, gasoline, and others.

Fiscal Year	General Fund	State Special	Federal Funds	Total Request
FY 2018	\$5,761		\$6,293	\$12,054
FY 2019	\$9,470		\$10,343	\$19,813
Biennium Total	\$15,231	\$0	\$16,636	\$31,867

PL 3991– Foster Care, Subsidized Adoption, and Subsidized Guardianship Caseload

This present law adjustment requests \$16,642,613 in total funds over the biennium, including general fund of \$5,107,630 in FY 2018 and \$5,082,921 in FY 2019 to fund the projected increases in the number of children entering foster care. This present law adjustment addresses the needs of the combined programs of Foster Care, Subsidized Adoption, and Subsidized Guardianship caseload growth for the Child and Family Services Division.

Fiscal Year	General Fund	State Special	Federal Funds	Total Request
FY 2018	\$5,107,630		\$2,629,552	\$7,737,182
FY 2019	\$5,082,921		\$3,822,510	\$8,905,431
Biennium Total	\$10,190,551	\$0	\$6,452,062	\$16,642,613

3b. Proposed Legislation

HB 173 – Establish Permanency Timelines for Children and Families

- This bill would amend §41-3-443 MCA, the statute that governs treatment plans, by adding one line. Subsection (6) “A treatment plan must be ordered by no later than the date of the dispositional hearing held pursuant to 41-3-438”, which governs abuse and neglect proceedings.
- This bill would amend §41-3-604, MCA to require that if a petition is filed for the termination of parental rights, that termination of parental rights must be held no later than 30 days from the date the petition was filed." held following the filing of a petition for the termination of parental rights.

HB 303—Create a Child Abuse and Neglect Review Commission

- This bill creates a Child Abuse Fatality Review Commission appointed by the Governor and the Attorney General of Montana to review child abuse fatalities and near-fatalities, and presents an annual report to the Governor, the Chief Justice of the Supreme Court, the Children and Families Interim Committee of the Montana Legislature, and the Attorney General every two years, before each regular legislative session. The division will use the information in this report as a learning opportunity evaluate and improve practice, evaluate potential policy and systemic issues, and gain a greater understanding of trends that may emerge from child fatalities or near fatalities.

HB 182 – Declaration of the Policy for Foster Children and Parents in the State of Montana

- The Protect Montana Kids commission recommended that Montana establish a declaration of policy to ensure that the Department consistently follows the basic principles established in the declaration when providing services, establishing policy, and training staff. The bill establishes a standard for how the Department engages and works with youth in foster care, and foster parents.

SB 113 – Increase Transparency of Child and Family Services Information

- This bill would amend the confidentiality provisions in section 41-3-205, MCA to allow legislators to review records for the purpose of evaluating the adequacy of Montana’s child abuse and neglect laws and regulations. These amendments allow the Department to extend disclosure of child welfare records allowed for members of the United States Congress, and to members of the Montana state legislature. Additionally, the bill establishes procedures to maintain confidentiality.

HB 201 – Ensuring that Children and Youth are Represented by a Court Appointed Special Advocate

- The bill would ensure that in every judicial proceeding, a CASA is appointed as the guardian ad litem for any child alleged to be abused or neglected. If a CASA is

unavailable, the court may appoint an attorney or other qualified person to serve as the guardian ad litem.

- Currently 41-3-112 provides that in any judicial proceeding for abused or neglected children, a judge appoints a guardian ad litem. The bill inserts, “court-appointed special advocate as the,” before, “guardian ad litem.”
- In the same section, the bill inserts, "If a court-appointed special advocate is not available for appointment, the court may appoint an attorney or other qualified person to serve as the guardian ad litem."

LC 1091 – Improving Opportunities for Children in Foster Care and Supporting Permanency

- This bill amends MCA 41-3-115 to require the Department to ensure foster homes follow a “reasonable and prudent parenting standard” when decisions are made for the youth to engage in developmentally appropriate activities. Providing youth in foster care the opportunity to participate in age-appropriate activities such as extracurricular, enrichment, cultural, and social activities that are often overlooked.
- This bill amends MCA 41-3-445 to require courts, when approving a permanency plan, to place the child in the child’s home, place for adoption, or with a legal guardian, or with a capable and willing relative of the child unless there is a compelling reason not to do so. This brings MCA into compliance with the provisions of the 2014 Preventing Sex Trafficking and Strengthening Families Act, so the state can continue to receive funding under part E of Title IV of the Social Security Act.
- This bill amends MCA 41-3-445 to require that the permanency plan for youth 14 years of age or older be developed in consultation with the youth; up to two members of the case planning team are chosen by the youth; that an individual selected by the youth serves as an advisor and advocate for the youth; and that the permanency plan includes services to support the transition to adulthood.